

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

COMPANIES COURT

REGISTRAR DERRETT

24th May 2017

No. 7942 of 2008 / CR-2008-00012 25 May 2017



CR-2008-000012

IN THE MATTER OF LEHMAN BROTHERS INTERNATIONAL (EUROPE) (IN ADMINISTRATION)

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

B E T W E E N:

(1) ANTHONY VICTOR LOMAS

(2) STEVEN ANTHONY PEARSON

(3) RUSSELL DOWNS

(4) JULIAN GUY PARR

(in their capacity as the joint administrators of the above-named company)

Applicants

-and-

(1) BARCLAYS CAPITAL INC

(2) WENTWORTH SONS SUB-DEBT SARL

Respondents

CONSENT ORDER

UPON the Joint Administrators of Lehman Brothers International (Europe) (in administration) ("**LBIE**") (the "**Administrators**"), Barclays Capital Inc ("**Barclays**") and Wentworth Sons Sub-Debt SARL ("**Wentworth**") having agreed a revised timetable to trial to that set out in the Court's Order of 29 November 2016 (the "**Order**") and the consent order of 10 March 2017 (the "**Consent Order**")

AND UPON being satisfied that the revised timetable agreed by the parties does not prejudice the hearing date of the Administrators' Application

IT IS ORDERED THAT:

(A) Position Papers

- 1 The deadline of 4pm on 2 June 2017 set out in the Consent Order for the Administrators to file and serve a position paper in reply (if so advised) is extended to 4pm on 30 June 2017.
- 2 In light of the above, the following dates shall replace those corresponding dates set out in the Order and the Consent Order (both of which shall otherwise remain in full effect, to the extent not superseded by this order).

(B) Evidence of fact

- 3 The parties shall file and exchange witness statements from any witnesses of fact by 4pm on 28 July 2017.
- 4 The parties shall, if so advised, file and exchange witness statements in reply by 4pm on 8 September 2017.

(C) Expert evidence

- 5 The parties shall agree a list of issues to be addressed in their expert reports by 4pm on 15 September 2017.
- 6 The parties shall file and exchange their expert reports by 4pm on 20 October 2017.
- 7 By 4pm on 10 November 2017, the parties shall (if so advised) file and exchange their supplemental expert reports.
- 8 By 4pm on 24 November 2017, the parties' experts shall meet for the purpose of: (a) identifying the issues in dispute between them; and (b) where possible, reaching agreement on those issues.
- 9 By 4pm on 8 December 2017, the experts shall file a joint memorandum identifying the points of agreement and disagreement between them.

(D) Pre-trial review

- 10 A pre-trial review ("PTR"), with a time estimate of half a day, shall be listed for 26, 27 or 28 March 2018.

(E) Trial bundles

11 The parties shall agree the contents of the bundles for the initial trial not less than 10 business days before the PTR.

12 Linklaters LLP shall produce the bundles for the initial trial (in accordance with the agreed contents). Linklaters LLP shall lodge a copy of the bundles at Court, and shall provide copies to the other parties, not less than 5 business days before the PTR.

(F) Skeleton arguments and authorities

13 Each party shall lodge its skeleton argument not less than 10 business days before the first reading day of the initial trial.

14 The parties shall agree and lodge a consolidated bundle of authorities not less than 5 business days before the first reading day of the initial trial.

15 The initial trial shall commence between 16 to 20 April 2018 with a time estimate of 8 days (including 2 days' pre-reading).

Service of this order

The Court has provided a sealed copy of this order to solicitors for the serving party Linklaters LLP at 1 Silk Street, London EC2Y 8HQ (Ref: Nick Porter)